

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

JANE DOE,

Plaintiff,

v.

**RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA,**

Defendant.

Case No. 3:23-cv-00018-RSB

**DEFENDANT’S RESPONSE IN OPPOSITION TO PLAINTIFF’S MOTION TO
EXTEND RESPONSE DEADLINE**

Defendant the Rector and Visitors of the University of Virginia (“UVA”) opposes in part Plaintiff’s motion (ECF No. 73) and amended motion (ECF No. 76) to extend her deadlines to respond to UVA’s Motion for Summary Judgment and Motion to Exclude Plaintiff’s Expert Witness Andrew C. Verzilli because such an extension is inconsistent with this Court’s scheduling order and would prejudice UVA.

Plaintiff seeks to extend her response deadlines from October 9, 2024, to October 23, 2024. The trial in this matter is set to begin on December 9, 2024. ECF No. 57. The deadline for this Court to hear Defendant’s motion for summary judgment (ECF No. 66) is October 25, 2024. ECF No. 30. Counsel for UVA have contacted the Court for dates for a hearing on its motion for summary judgment and have been offered times on October 23, 24, and 25, 2024.

Plaintiff’s requested two-week extension would make her response to the motion for summary judgment due on October 23, 2024, which would deprive Defendant of its 7 days to prepare and file its rebuttal brief before the deadline for the hearing on its motion for summary judgment. ECF No. 30; Local Civil Rule 11(c)(1). Not only is Plaintiff’s requested extension

inconsistent with the Court's scheduling order and the Local Rule on briefing, it would prejudice UVA by either completely denying it an opportunity to file a rebuttal brief before the hearing on the motion for summary judgment or, if the hearing on the motion for summary judgment is scheduled for October 24 or 25, forcing UVA to prepare and file a rebuttal brief and prepare for oral argument in a handful of hours. It also undoubtedly would prejudice Defendant by shrinking the time that the Court has to review and issue a decision on Defendant's Motion for Summary Judgment in an already condensed schedule, thereby increasing the likelihood that the Court may not have sufficient time to issue a ruling before trial begins on December 9, 2024.

In her memoranda in support of her motion, Plaintiff makes no effort to square her request with this Court's scheduling order and how it would inescapably prejudice UVA. While counsel for UVA are sympathetic to the other case obligations of Plaintiff's counsel, and also have their own planned and unexpected briefing and court obligations during October 2024, and the situation of Attorney Abdnour's family, such sympathy does not outweigh the prejudice to their client if this motion is granted.

Plaintiff cites the pages of exhibits filed by UVA in support of its Motion for Summary Judgment as good cause for granting the extension. ECF No. 74 at 5. UVA acknowledges that the August 26, 2020 Draft Investigation Report and its exhibits (ECF No. 67-26) consist of 1,211 pages and that that April 30, 2021 Final Investigation Report and its exhibits (ECF No. 67-4) consist of 2,059 pages. However, the volume of these exhibits, which is itself an element of UVA's defense, does not come as a surprise to Plaintiff and does not necessitate additional time to evaluate. These reports and their exhibits have been in the possession of Plaintiff since the reports were issued. ECF No. 67-19 at ¶ 30; ECF No. 67-25. Furthermore, UVA voluntarily produced these reports and their exhibits to Plaintiff on May 28, 2024. Ex. 1 – May 28, 2024 Email.

Plaintiff's motion to extend the deadline for her response to UVA's Motion for Summary Judgment from October 9, 2023 until October 23, 2024 must be denied.

Defendant does not oppose this Court granting Plaintiff an extension to file her response to UVA's Motion for Summary Judgment to Friday, October, 11, 2024, with UVA being granted until October 18, 2024, to file its rebuttal brief. Such an extension would be consistent with this Court's scheduling order and the Local Rule on briefing and the prejudice to UVA likely would not be significant.

In addition, Defendant does not oppose Plaintiff being granted an extension until October 23, 2024, to file a response to UVA's Motion to Exclude Plaintiff's Expert Witness Andrew C. Verzilli (ECF No. 68) because the scheduling order does not require this motion to be heard by October 25, 2024.

For the reasons set out above, UVA respectfully requests that Plaintiff's Motion to Extend Response Deadline be denied on the terms requested.

**THE RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA**

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CERTIFICATE

I hereby certify that on October 2, 2024, I electronically filed the foregoing with the Clerk
of the Court using the CM/ECF system.

/s/ Christopher P. Bernhardt
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Assistant Attorney General